

REMARKS

Claims 1-24 are pending in the application. Claims 3, 10, 11, 15, 22 and 23 are deemed to have allowable subject matter.

Applicant's claims 1, 8, 13 and 20 have been amended to clarify the claimed invention. Applicant's claimed invention includes for example: transmitting a quasi-moving image acquired by degrading a quality and a frame transmission rate of the image obtained by the image obtaining unit. According to this mode associated with the present invention, the data amount as well as the frame rate associated with transmitted set of data are modified to low levels and, consequently, it becomes possible to have the play back performed in a highly real time manner.

In addition, if it is required to playback a picture part in any detailed manner, a corresponding part of the moving image data set may be re-requested by specifying the associated part so that a high quality high frame rate moving image data corresponding to the specified part is transmitted separately.

Thus, applicant also claims: a transmitting unit performing a predetermined process for an image read from said buffer memory unit, and for transmitting the image to the receiving side upon a request issued from the receiving side so that the receiving side displays the quasi-moving image with the quality and the frame transmission rate of the image transmitted.

The image in the memory buffer stored with a full quality and a full frame rate.

This unique combination of features is not found nor suggestion by the combination of references.

Claims 1, 4-7, 13, 14, 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chaddha et al. (US 5,621,660) (Chaddha). The Office Action asserts the cited reference shows each and every feature in these rejected claims.

Claim 2 is rejected as unpatentable under 35 U.S.C. 103(a) over Chaddha in view of Watanabe (US 6,430,354) and Claims 8, 9, 12, 20, 21 and 24 are likewise being deemed unpatentable over Chaddha et al. in view of Tindell et al (US 5,130,792).

Chaddha describes a technology for transmitting a moving image data set after compression and for enabling the receiver side to process the received moving image data set to obtain moving images at various resolution levels.

Watanabe describes a technology for transmitting, in a multiplexed manner, encoded sets of data respectively corresponding to mutually different resolution levels of a moving image for enabling the receiving side of the encoded data sets to obtain the moving image in different resolution levels.

Tindell is cited to demonstrate that it is a prior art to transfer data in a buffer unit into another buffer unit in response to a request.

With regard to claims 1 and 13 applicant claims transmitting the image to the receiving side upon a request issued from the receiving side so that the receiving side displays the quasi-moving image with the quality and the frame transmission rate of the image transmitted. The image in the memory buffer stored with a full quality and a full frame rate.

The Office Action points out that Chaddha fails to teach these features on page 5 with regard to claim 8. The Office Action points to Tindell for showing the receiving a request then reading, processing and transmitting from a mass storage area.

However applicant's claims provide this combination of features including temporarily storing the image with a full quality and a full frame rate performing a predetermined process for the stored image, and transmitting the image to the receiving side, by an on-demand request issued from the receiving side so that the receiving side displays the quasi-moving image with the quality and the frame transmission rate of the image transmitted.

Applicant's claimed invention, differently from Chaddha or Watanabe, is not concerned with obtaining a plurality of different resolution moving images from a transmitted set of moving image data. The prior art has the disadvantage of having to use high bandwidth to transmit the plurality of different moving images especially at real time.

Applicant's invention provides a transmitted set of data encoded in an ordinary manner, decoded in an ordinary manner and played back in the same quality and frame rate the transmitted set of data can achieve when played back even at the transmitting side. According to this mode associated with the present invention, the data amount as well as the frame rate associated with transmitted set of data are modified to low levels and, consequently, it becomes possible to have the play back performed in a highly real time manner.

If it is required to playback in any detailed manner a corresponding part of the moving image data set may be requested for specifying the associated part so that a high quality high frame rate moving image data corresponding to the specified part is transmitted separately.

Applicant's unique combination of features provides advantages over the prior art. This combination contains feature not found nor suggested in the combination of reference. In addition even if every feature was found in the combination of references there is no suggestion which would lead one skilled in the art to make such a combination of prior art. The only such suggestion provided has been from applicant's own disclosure.

Thus even if all the elements were present in the cited references, it is well-established that a combination of limitations, some of which separately may be known, may be a new combination of limitations which is nonobvious under the condition of 35 U.S.C. 103. Moreover, "an examiner may often find every element of a claimed invention in the prior art." *In re Rouffet*, 47 USPQ3d 1453, 1457 (Fed. Cir. 1998) (reversing PTO obviousness rejection based on lack of suggestion or motivation to combine reference). Therefore even if every element of a claimed invention is in the combined prior art there must be some suggestion or motivation to combine the references. "Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form must nevertheless be 'clear and particularity.'" *In re Dembiscak*, 175 F.3d 994, 999 (CAFC 1999).

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian S. Myers
Reg. No. 46,947

CUSTOMER NUMBER 026304
Telephone: (212) 940-8703
Fax: (212) 940-8986 or 8987
Docket No.: FUJO 17.621 (100794-11478)
BSM:rm